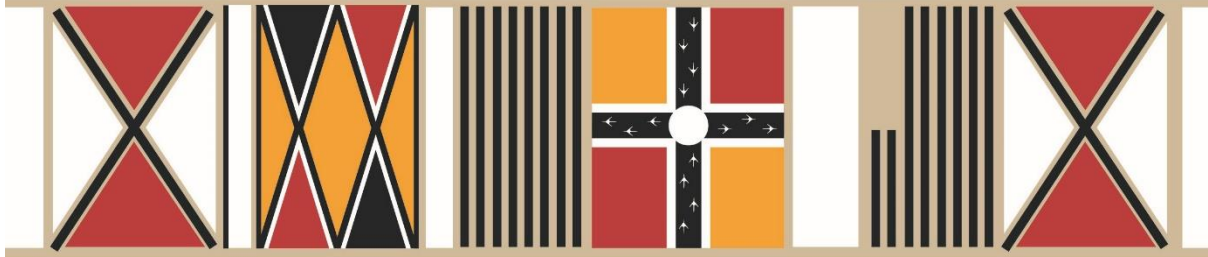


Yolngu Nations Assembly

Miwatj, Laynha, Raminy, Marthakal, Garriny, Gumurr-Rawarraṅ, Gattjirrik and Miḍiyirrk



Yolngu Nations Assembly and Yolngu Nations Assembly Aboriginal Corporation's Submission to the Northern Territory Legislative Assembly's Public Accounts Committee regarding the Inquiry into Local Decision Making in the Northern Territory.

11th August 2021

Yolngu Nations Assembly

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Yolngu Nations Assembly –

Yolngu Nations Assembly (YNA) is a civil organisation that promotes and facilitates engagement between the Arnhem Land Indigenous form of ‘customary’ government and the Australian Westminster form of government; specifically, the Northern Territory Government; and the Commonwealth Government of Australia. Yolngu Nations Assembly is an extension of what is known as the Madayin System of Law, Governance and Decision making using traditional regional representation in its jurisprudence.

The eight provinces are from East, Central and West Arnhem Land and are all named. Of immediate relevance to Eastern Yolngu are the jurisdictions of Miwatj, Laynha, Raminy, Marthakal, Garriny, Gumurr-Rawarran, Gattjirrik and Midiyirrk.

Yolngu Nations Aboriginal Corporation -

This corporate arm of Yolngu Nations Assembly allows for a recognisable entity under the Australian system of law, thereby creating a pathway for **immediate engagement** with the Australian and international community. This arm also **provides a structure for provision or facilitation of services** for the people. **Yolngu Nations Aboriginal Corporation (YNAC)** is a registered Australian charity for advancing social, public welfare and cultural welfare, and **cultural protection** and advancement of the Yolngu people of Arnhem Land. It is a public benevolent institution; a registered Australian Charity and is formally and legally incorporated.

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Yolngu Nations Assembly welcome this opportunity to make a submission to the Northern Territory Legislative Assembly's Public Accounts Committee regarding the Inquiry into Local Decision Making in the Northern Territory. Yolngu Nations Assembly have been encouraged by the stated commitment of the Northern Territory Government to work with communities to support and encourage Aboriginal governance to ensure local indigenous communities drive this transition of government services to community control.

However, to fulfill this commitment to Indigenous communities, some proposed measures require further review and strengthening: Local Decision Making (LDM) is attempting to provide a pathway for Aboriginal people and organisations to take control of the delivery of government services and programs in their communities in the Northern Territory. The vision that Yolngu cultural leadership will drive the successful outcome of this transition of services back to community control is encouraging.

It is noted that there has been much development in Local Decision Making within the East Arnhem Region with partnership agreements amongst several Aboriginal Corporations and the Northern Territory Government in place, with suggestions, participation and feedback encouraged from those forming part of these agreements.

Equally encouraging is the involvement of Aboriginal Resource Development Services (ARDS), Laynhapuy Homelands Aboriginal Corporation, Arnhem Land Progress Aboriginal Corporation, and Miwatj Health. A broad mix of language resources, health, homelands services, community development and retail. This indicates good faith of the Territory Government to achieve real outcomes for this process, however, key stakeholders in Yolngu Law and Governance processes have not been consulted throughout entire process despite not only being initiated through proper Yolngu parliamentary processes, but also covering large regions of Arnhem Land (which includes other jurisdictions).

As we are all aware, Australia is home to one of the world's longest living cultures. In the Northern Territory alone 30.3% of the population are indigenous, while 50% of the land and 80% of the coastline are Aboriginal-owned. There are many challenges faced in the Northern Territory: diverse cultural and language groups, long distances, lack of on-the-ground resources, limited internet access, a tragic proliferation of funerals; and, in the current climate of health-travel restrictions, geographic movement inhibitions.

This latter element prevents visits to homelands and communities where Yolngu need to engage critical cultural consultation processes in relation to Local Decision-Making, and the proper Yolngu governance processes required to enable the handing back of services in the region.

In addition to the above logistical challenges, cross-cultural incompetency is possibly the greatest challenge. There is a clear lack of understanding on the part of the politically dominant western culture, regarding the proper processes of tribal law and governance regulating the people of Arnhem Land. A law that all Yolngu citizens assent to through the Wana Lupthun Assent Ceremony.

We might well add to these encumbrances, a historic and imbalanced interaction between English and Indigenous languages, the latter represented by the Eastern Arnhem *Yolngu Matha* group.

Local communication adheres to a national pattern. For some 230 years, Aborigines have been forced to communicate their survival in a foreign language...English. This occurs nowhere else in the developed world.

Although there were some developments made in education in the 1970's, English language fluency has since crashed with some Yolngu only having a rudimentary grasp of English. This renders comprehension of nutrition, economics, education, development, commerce, and government issues, mere moving shapes in a linguistic mist.

Meanwhile, the western employees and non-indigenous participants living and working in Arnhem Land are unable to speak Yolngu Matha, which guarantees a communication void, with most information being translated directly from not only the English language but also from a dominant culture worldview.

Although there is much potential for *Local Decision-Making* across Arnhem land, this can only evolve through mutual respect of both parallel law systems; and an appreciation of cultural differences and language barriers, an effort necessarily facilitated by non-indigenous residents.

Currently, there is no encouragement for this to occur within the mainstream non-indigenous community. Those of the veteran non-indigenous community members who have tried to promote such reciprocity have been met with hostility and obstructionism by the government bureaucracy. This must be remedied.

There are many other cross-cultural issues that need addressing:

- How is a community consensus to be presented to Government?
- Must clan and kinship rules be recorded and accommodated?
- It must also be determined whether it is a group, nation, clan or ringitj who have the authority to declare agreements as valid. The AAPA will assist.
- How is proper authority to make such decisions being determined? Special relationships without equivalence in western culture need to be determined: Mari/Gutharra, Yothu Yindi separation of powers may be time consuming but essential.
- Groups once determined must be willing participants in government Local Decision Making, resulting in declarations of *Wangany-Ngayangu* (all in agreement) and *Magaya* (Peace Order and Good Government).
- Sovereignty from the Yolngu groups participating must be established and recognised multilaterally.
- While there is no inherent objection to government and non-indigenous staff within an Aboriginal Corporation participating, their roles should be of a facilitatory only, supporting legitimate Yolngu groups. Such personnel cannot simply check boxes referring to Aboriginal language and culture, they must possess a demonstrated

understanding of the above processes relating to Yolngu Law and Governance processes.

- It is hoped by the Yolngu Nations Assembly that Government and Aboriginal Communities will be able to work together to ensure that service delivery is handed to the communities in the most effective appropriate and expeditious means possible for both parties. While utilising the profound knowledge and experience of experts and expert organisations in this specialist area of Yolngu culture.

Immediate benefits can be anticipated. The delivery of responsibility back to the proper jurisdictions within communities will see a strengthening of Yolngu culture through recognition of governance and law structures while providing two-way learning that will educate and enrich both parties.

This will end the current demoralisation which has caused collapse of parenting and subsequent negative behaviour of some children in communities.

This submission highlights positive aspects of the inquiry and makes recommendations to strengthen *Local Decision-Making* for the Yolngu people of Arnhem Land whilst making the facilitation of hand-over of services to Yolngu as efficient as possible for the NT Government.

Cross-Cultural interaction: Clarifying definitions and non-corresponding concepts.

All cultures possess recognisable *prime cultural determinants* at any time. And, in the use of prime cultural determinant, implicit is the suffix “relative to all other cultures”.

The prime cultural determinant of what we describe as Western Culture, is Acquisition. This is reflected in a 2000-year-plus tradition of material accumulation and wealth, which is often pre-ordained by transmissible ownership of land.

If we were to be academic about this, we would concede that this is true of all agricultural communities, or communities whose historical genesis was agricultural.

Broadly, western acquisition has been achieved by indigenous status, conquest, purchase, barter, gifting, tax, and inheritance. More broadly and universally, we describe this as Colonialism; but at a more immediate and personal level we are more likely to recognise purchase; as an outcome of directed wage or investment.

Philosophical differences in definition have been prepared throughout history but from an anthropological point of view, the single word that best describes western cultural preoccupation is Acquisition. World-wide, we have acquired lands, resources and peoples.

Whether we are aware of this or not, this core value and history has shaped our society and personal motivation.

It is important to bear this in mind when comparing, or attempting to marry, western concepts to Aboriginal. Because the prime determinant of Aboriginal Culture is harmony; which we might usefully sub-define as avoiding conflict with spirits, with nature and with people, although traditional Aborigines would not see these elements as divisible.

The difficulty in organising a workable interaction point between the two cultures is that few Europeans in Australia are bicultural, which means that they have no conditioning to anticipate more than one way to perceive reality. In fact, it was recognition of this inadequacy that precipitated the discipline on anthropology in the first place.

Anthropology seeks to identify what is endemically mankind? Versus what are the differences in value systems? The differences are what we call 'culture'.

There is a reason that the Swiss have led the world in diplomacy, and exploited neutrality, and that is that Switzerland is occupied by four distinct cultures and languages: German, French, Italian and Romance. Every Swiss grows up aware that there are at least four different ways of accommodating every concept.

In stark contrast, every Australian, barring immigrants, grows up knowing there is only one way of seeing the world; one set of legitimate values. This is a significant cross-cultural handicap. Hence this brief orientation document.

The most immediate manifestation of cultural difference in this regard is the automatic European recognition of hierarchy. From birth, we are conditioned to accept that one person can make unilateral decisions, which must then be followed by the group.

This hierarchical value system is manifested in a great many ways: village head, chief, king, boss, mayor, commander, pope, dictator, prime minister, and so on; and in the general sense, leadership.

We subconsciously acknowledge the unnatural qualities of hierarchy whenever this is convenient, by using suitable words: dictatorial, bossy, totalitarian, authoritarian, unilateral and so on. But in an act of cultural schizophrenia, we also use words with a more positive connotation for example leadership.

This produces outcomes which can appear to be quite bizarre to a seasoned cross-cultural observer.

For example, when our point of view is carried by a vote with a 51% / 49% majority, we routinely refer to this as a "democratic majority". Yet, demonstrably, this vote has exposed the deepest possible division in the community, upon which installation of such non-accord is guaranteed to result in deep resentment, rejection, and, ultimately, the application of force to ensure the status quo survives. In other words, punitive action, incarceration or even war.

Culture is so powerful that we are unable to perceive why our "democratic majority" vote has not resulted in peace, prosperity and harmony. Thus, we invented new words and

phrases with which to identify: the real cause of the problem: insurgents, rebels, incapacity to accept authority, sedition, treason, secession, civil war.

And still we persist in advising other cultures that our method of social organisation is based on logic, knowledge, evidence, “the natural order” or, in other words, we are superior.

Because of a long era of social organisational isolation, yet intimate proximity to nature. Aboriginal social organisation is devoid of *leadership* as this is understood in the West. Thus, there were no chiefs, no kings, no queens.

Aboriginal decision-making was based on consensus; tempered by knowledge and experience (ie of law and song lines, etc). And there were very specific consensus protocols to be implemented to achieve this: which were identified in detail at Galiwin’ku in 1975.

This urgent presentation was in response to senior Aboriginal alarm over the western imposition of councils which over-ruled consensus, and then completely marginalised consensus protocols altogether. These organisational impositions were community councils, followed by the missionary-sponsored Mala Leaders Councils, all of which were superseded by shire councils, which observably disenfranchised almost all Aborigines.

That none of this was comprehended by government was evidenced by the \$20 million boarding school in Nhulunbuy, specifically, it was stated, to cultivate leadership among Aborigines. Meanwhile, North-East Arnhem Land development was entirely removed from Aboriginal control by an organisation of whose board is of only Westerners with Aboriginal values and aspirations entirely excluded.

So, when we discuss such a concept as Local Decision-Making, we need to be cognizant of the real-world context, as is evidenced by the readily observable developments.

Contemporary Aboriginal Perceptions

Then we come to the next level: Aboriginal perceptions of self-determination.

Being Aboriginal in North-East Arnhem Land means:

- Witnessing the most important lands, Homelands who are severely lacking funding and employment opportunities and some even water.
- The lowest genuine Aboriginal employment in fifty years.
- A rising rate of Aboriginal ill-health and mortality.
- Declining Aboriginal involvement in the economy or development opportunities for their communities
- Rising disintegration of families and parenting
- Declining control over land
- Enforced demands for long-term government leases of land for community housing
- The virtual collapse of Aboriginal education relative to 1977

It is not difficult to perceive a credibility gap here that will fatally undermine any superficial proposal by Government to bestow enhanced Local Decision-Making.

Yolngu Nations Assembly make the following recommendations:

1. Decision-making must comply with indigenous (Yolngu) traditional consensus protocols.
2. Government must recognise the absence of unilateralism in Aboriginal society.
3. Consultation and negotiation must in Aboriginal languages and from a Yolngu world view, not directly translated from English using “baby-talk”.
4. Government must recognise that the consensus protocols are regulated by the people whose land is the focus of the discussion (ie the Gurrutu whose land is pivotal) Consultations must use proper process akin to Yolngu with appropriate groups representative of all regions.
5. Government must use facilitators and organisations with acquired expertise in Yolngu law and tribal governance, moreover, non-indigenous participants with adequate cross-cultural competency in this area and skills in the language of the region, Yolngu Matha.

